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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/27/2007

SPONSOR Rodella LAST UPDATED \_\_\_\_\_ HB 1256

SHORT TITLE Gaming Control Board Rule Exceptions SB \_\_\_\_\_

ANALYST Moser

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of Bill

House Bill 1256 would allow religious organizations, with limited resources, to be exempt from the regulations of the Bingo and Raffle Act at the discretion of the licensing authority.

### SIGNIFICANT ISSUES

This Bill would allow the licensing authority to exempt a religious organization with limited resources from the regulations promulgated under the Bingo and Raffle Act. The bill does not define "limited resources". Nor does HB 1256 specifically define what constitutes a religious organization.

The AGO indicates that House Bill 1256 may run afoul of Article II, Section 11 of the New Mexico Constitution which provides:

*"[n]o person shall be required to attend any place of worship or support any religious sect or denomination; nor shall any preference be given by law to any religious denomination or mode of worship."*

Additionally, the AGO indicates that this Bill may also violate the Establishment Clause of the United States Constitution.<sup>1</sup> A federal court has previously ruled that a law allowing schools to have a moment of silence violated both provisions.<sup>2</sup> Similarly, The AGO indicates that a law that gives preference to religious denominations under the Bingo and Raffle Act may be found to give a preference to religions, thus violating the New Mexico Constitution and the United States Constitution.

**OTHER SUBSTANTIVE ISSUES**

House Bill 1256 also raises a law enforcement issue as to whether or not it is good public policy to allow an agency to waive background investigations for gambling activities.

GM/csd

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<sup>1</sup> See Amendment 1 to the State Constitution.

<sup>2</sup> *Duffy v. Las Cruces Pub. Sch.*, 557 F. Supp. 1013, 1023 (D.N.M. 1983)